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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,500	12/10/2004	Tetsujiro Kondo	450100-04629	1276
7590 William S Frommer Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151				
06/12/2009				
EXAMINER				
NGUYEN, LUONG TRUNG				
ART UNIT		PAPER NUMBER		
2622				
MAIL DATE		DELIVERY MODE		
06/12/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/517,500

**Applicant(s)**

KONDO ET AL.

**Examiner**

LUONG T. NGUYEN

**Art Unit**

2622

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20-28 and 32-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-28 and 36-48 is/are allowed.
- 6) ☒ Claim(s) 32-35, 49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. The indication of allowability of claims 32-35, 49 has been withdrawn due to the newly founded reference to Taniguchi et al. (US 6,940,646). Therefore, a new non-final Office Action sets forth below.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 32, 33, 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamagishi (US 5,855,425) in view of Taniguchi et al. (US 6,940,646).

Regarding claim 32, Hamagishi discloses a stereoscopic display, which comprises:

at least one light-emitting unit (first projector 1L, second 1R, figure 1, column 4, lines 7-35) for emitting a light beam corresponding to the image of the object;

a display optical unit (screen 2, figure 1, column 4, lines 19-67) for reflecting or transmitting the light beam emitted from said at least one light-emitting unit;

a display controller (driving and control unit 12, figure 1, column 4, lines 52-67) for controlling the display optical unit to allow the display optical unit to operate in a periodical manner; and

a display driver (driving and control unit 12, figure 1, column 4, lines 52-67) for driving the display optical unit based on the control operation by the display controller.

Hamagishi fails to specifically disclose wherein the display controller controls the display optical unit according to drive data multiplexed and outputted by an image-capturing apparatus. However, Taniguchi et al. discloses a method and apparatus for stereoscopic image display in which an image forming device 10 generates a synthesized parallax image, and at the same time, determines the positions of the light transmitting section 4a and the light shielding section 4b to generate and output a control signal in synchronism with an image signal. This control signal and the image signal are controlled to drive in synchronism each other by a unit of one pixel or one scan line of the image displaying device 1 and the optical modulator 4 (figures 1, 12, 23, 28, column 11, lines 45-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Hamagishi by the teaching of Taniguchi et al. in order to provide a stereoscopic image displaying method and apparatus, which are capable of displaying a stereoscopic image with high resolution by reducing cross talk and moiré (column 2, lines 5-16).

Regarding claim 33, Hamagishi discloses the display optical unit changes an optical path of the light beam emitted from said at least one light-emitting unit (see figure 1).

Claim 49 is a method claim of apparatus claim 32. Therefore, see Examiner's comments regarding claim 32.

4. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamagishi (US 5,855,425) in view of Taniguchi et al. (US 6,940,646) further in view of Ross et al. (US 6,827,442).

Regarding claim 34, Hamagishi and Taniguchi fail to disclose wherein the image of the object is equivalent to an image of the object captured by an image-capturing device. However, Ross et al. disclose an apparatus in which a camera 160 captures an image of a scene 162 that is projected by the projector 164 (figure 5, column 8, lines 33-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Hamagishi and Taniguchi by the teaching of Ross et al. in order to allow a user view a better quality image.

5. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamagishi (US 5,855,425) in view of Taniguchi et al. (US 6,940,646) and Ross et al. (US 6,927,442) further in view of Veligdan et al. (US 6,755,534).

Regarding claim 35, Hamagishi, Taniguchi and Ross et al. fail to disclose a diffuser which diffuses the light beam corresponding to the image of the object received via the display optical unit, which operates in a periodical manner, so as to display the image of the object. However, Veligdan et al. discloses a prismatic optical display, which comprises diffuser 24a (figure 3, column 6, lines 20-28, 48-53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Hamagishi, Taniguchi and Ross et al. by the teaching of Veligdan et al. in order to diffuse light beam corresponding to an image.

***Allowable Subject Matter***

6. Claims 20-28, 36-48 are allowed.

Claims 20-28, 36-38 are allowed for the reasons as indicated in Office Action mailed on 3/17/2009.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571)272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID L. OMETZ can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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